

### REMARKS

In the Office Action, the drawings were objected to under 37 CFR 1.83(a). The disclosures was objected to. Claims 1 and 41 were objected to. Claims 13-17, 19, 21, 23-29, 31-33, 35 and 41 were rejected under 35 USC §102(b) as being anticipated by Smith. Claims 13-14, 17-19, 21, 23-24, 26-29, 31, 33, 35 and 41 were rejected under 35 USC §102(e) as being anticipated by Yang. Claims 13-17, 19, 21, 23-29, 31-33, 35 and 41 were rejected under 35 USC §102(b) as being anticipated by Pohl et al. Claims 1-6, 9-10, 13, 16-19, 21, 23-24, 26-28 and 41 were rejected under 35 USC §102(b) as being anticipated by Gustafson. Claims 18 and 30 were rejected under 35 USC §103(a) as being unpatentable over Smith and further in view of Feldman et al. Claims 36-37 were rejected under 35 USC §103(a) as being unpatentable over Smith and further in view of Abert. Claims 1, 3-12 were rejected under 35 USC §103(a) as being unpatentable over Smith in view of Warren.

The present application discusses various problem occurring with tent constructions. One of said problems relates to fungoid growth and fouling of cotton tent cloth. Another problem relates to condensation in the tent. A further problem relates to climate control in the tent.

All of these problems are strongly interrelated as appears from the specification. In accordance with the represent invention the first problem may be solved by providing a skeleton

tent having a number of open panels, which may be closed by inserts of a type of material to be selected by the user of the tent. This would allow the user of the tent to select a relatively short lived material like cotton as an insert (covering panel) in view of its desirable properties, and still be able to use the tent for a long time, because the skeleton has a long lifespan and the cotton (or otherwise) panels may be replaced when necessary. Such a skeleton tent provided with inserts or covering panels for closing the open skeleton panels would still have single walled panels. In order to be able to replace an insert, it would be advantageous to attach such inserts to the skeleton in a detachable manner, e.g. by means of zippers or hook and loop fasteners. In use such inserts (or covering panels) may be wholly or partly opened as described in order to provide access to fresh air and the like. In that case however, one would need mosquito netting in order to keep insects out.

Smith discloses a wall tent which basically is completely made of mosquito netting. Such a type of tent has often been seen in the U.S.A. and Canada. Such a type of tent is not very durable and of course does not provide any protecting against rain or curious glances from passers-by. Though mosquito netting from the point of view of structural contribution to the sturdiness of a tent and free passage of air may just as well not be present, it is

true that mosquito netting might be interpreted as a desired material.

In view of the above claim 1 has been amended to provide more substance to the description of the type of material of the basic panel. Such a description should indicate that it is not mosquito netting that is intended as the desired material. In such a manner more distance is created from Smith.

Moreover Smith's wall tent might be regarded a skeleton tent in the context of the present invention if one would interpret the expression "desired material" as including mosquito netting. Even though there are several reasons why Smith is different from the present invention, even if one would interpret mosquito netting as a possible desired material, the applicant has decided to focus mainly on tent constructions having double walled panels in order to simplify discussions with the Examiner.

With reference to paragraph 1 of the Office Action, the Examiner has objected to Fig. 4 because the place of the sectional view allegedly has not been indicated. However, Fig. 4 is just a side elevational view of an hourglass shaped (or diabolo shaped) spacer. The description of the Figure 4 view has been amended at page 4, consistent with its detailed description at page 14.

With reference to paragraph 2 of the Office Action, reference numeral 10 indicates an inner roof section but at the same time does point at an edge of said inner roof section, which

clearly shows its hollow cut. Please also refer to page 9, lines 2-8.

As regards a covering panel removable from the tent construction, please refer to page 7, lines 5-10 disclosing zippers along all edges 7a-7d of roof section 7. This would indicate that said roof section is wholly or partly detachable.

In view of paragraph 5 it is once again noted that for practical purposes in connection with climate control in the tent the mosquito netting can be disregarded. Mosquito netting is simply open and does not form a serious hindrance to the free flow of fresh air through a panel, nor does it contribute to an insulating effect during hot or cold weather. Therefore mosquito netting is not a breathing material in the usual sense of the expression. Also, mosquito netting cannot prevent the occurrence of condensation on the walls or roof of a tent. Such condensation would simply occur on the inner surface of the canvas roof panels 11 and the canvas wall panels 10. Thus, in fact, Smith discloses a single walled tent construction. Further, it is true that Smith shows snap fasteners 16 to connect or disconnect an edge of outer roof panel 11 to an edge of wall panel 10. Such snap fasteners will not, as in the case of a continuous fastening means like zippers and hook and loop fasteners, prevent air and rain from entering the tent through the slits between the edges of the roof panels and the wall panels. Moreover, as soon as air and rain

would have passed such slits, there would be no further shielding of the inner space of the tent, because the mosquito netting cannot act as such.

The present invention contemplates the use of breathing cloth, and not of mosquito netting on the inside of the tent, and weatherproof material on the outer side of the tent. This configuration together with the use of continuous fastening means, will provide on the one hand a layer of insulating air between associated inner and outer panels if the fastening means are closed, and on the other hand a controllable ventilation means by opening partly or wholly the various fastening means around an outer panel.

As regards a hollow appearance of the interspace between covering panels 10 and 11 and inner basic panels 23 this seems nowhere to have been disclosed in Smith. Also, as may appear from the above explanations, Smith in fact does not show a "real inner panel". Tensioning roof panel 11 with respect to alleged inner panel 2 will have no effect at all on any interspace between outer panel 11 and inner panel 2.

Such an interspace can only be created by pivoting roof panel 11 with respect to its line of stitching 12 in an upward direction. This is quite different from the present invention where tensioning as such will have an effect on the width of the interspace between outer and inner roof panel.

In connection with paragraph 6 of the Office Action similar observations as may be made with respect to Smith may be made with respect to Yang. In fact Yang even more clearly relates to a single walled tent construction. Yang's protective car cover basically has single walled panels, some of which have windows provided with screen like knitting fabrics in order to keep insects out. Again, such screen like knitting fabrics will not impede the free flow of fresh air and will not provide any insulation nor prevent condensation.

With reference to paragraph 7 of the Office Action it is submitted that Pohl discloses a wall tent having a fly superposed over the tent roof. Though there is an interspace between fly and roof, said interspace cannot be changed nor opened or closed in a controlled manner by means of suitable fasteners. In fact the interspace will always be open under any circumstances. Such a fly does not constitute in any way a double walled roof panel as in the present invention.

In connection with paragraph 8 it is observed that Gustafsen discloses a single walled tent construction provided with a removable insert at the top. The insert may be a canvas or nylon covering or a mesh-like screen for keeping insects out, or a transparent plastic sheet, or a combination of such a plastic sheet and a mesh-like screen, the latter acting as a kind of sun shade. In fact, this is basically a window in a single walled tent. The

present invention does not relate to a window in a tent, even though of course an inventive tent will have windows.

Paragraph 10 of the Office Action refers to Smith in view of Feldman. Feldman's tent construction, like Pohl, is a wall tent having an external tent frame on which a fly or outer roof is mounted. There are no operable fasteners and the gap between inner roof and outer roof is always the same, and moreover has generally the same width along the gable edge. Feldman does indeed disclose a fringe-like flap 56 along the gable edge. However, it is submitted that one of ordinary skill in the art would not at all contemplate using such a flap in Smith's tent, because in Smith the gap between the roof and the mosquito netting has a varying height from ridge to eave, which height moreover depends from the amount of pivoting of the roof panel 11 with respect to the remainder of the tent.

Also, combining Smith and Feldman would not result in a tent construction in accordance with the present invention. Please note that in the claims, in particular claim 13, the roof panels are completely removable.

Paragraph 11 relates to Smith in view of Abert. However, Abert discloses a conventional tent having a basic tent and a protective fly. The fly is simply placed over the basic tent, but is not connected to it. However, in claim 36 a covering panel is of double layered design, such that insulating material may be

placed between the layers of the covering panel. In Abert however, the basic tent (and not the covering fly) is provided with an integral insulation layer. A combination with Smith would result in insulating mosquito netting.

Paragraph 12 refers to Smith in view of Warren. Warren relates to a tent construction allowing two or more small tents to be connected together to form a large tent with a passageway between. The roof of one of the small tents may have an extension to form a roof of the passageway, and may be connected to the roof of the other tent by fasteners. Such fasteners have been shown in Fig. 1 at 69 and are only present along a line perpendicular to the ridge pole of the combined tent. There is no reason at all why one of ordinary skill in the art would think of combining Smith and Warren, in particular in view of the fact that Smith does already disclose the use of fasteners. However, Warren does not disclose a double walled roof design, nor fasteners connecting an inner roof panel to an outer roof panel in order to shut off or open a gap between such inner and outer panel. A combination of Warren and Smith would provide very uncertain results.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for



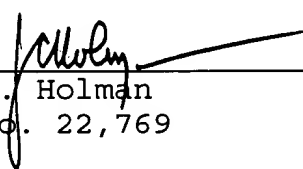
allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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